

Message Text

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USIE-00 INRE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

NSAE-00 NSC-05 PA-02 SP-02 SS-15 EB-07 COME-00 TRSE-00

OMB-01 AGR-10 JUSE-00 CG-00 DOTE-00 INT-05 CIEP-02

DLOS-04 FMC-02 IO-10 NSF-02 CEQ-01 EPA-04 FEA-01 /106 R

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TAGS: EFIS, BF

SUBJECT:SPINY LOBSTER PRESS Q AND A

1. FOLLOWING ARE Q AND A PREPARED FOR NOON BRIEFING
AUGUST 25 FOLLOWING RELEASE OF DEPARTMENT PRESS RELEASE
ON FAILURE OF SPINY LOBSTER TALKS. THE Q AND A WILL BE
USED ON AN IF ASKED BASIS. EMBASSY COMMENTS WELCOME.

2. Q. WHEN DID THE NEGOTIATIONS START AND AT WHOSE INITIATIVE?.

A. THE NEGOTIATIONS BEGAN AUGUST 13. THE UNITED STATES HAD
BEEN SEEKING SUCH DISCUSSIONS SINCE LAST FALL, FOLLOWING
PASSAGE OF THE BAHAMIAN LEGISLATION AFFECTING SPINY LOBSTER.

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Q. DESCRIBE THE MAGNITUDE OF THE PROBLEM -- HOW MANY

FISHERMEN ARE INVOLVED, WHAT IS THE ANNUAL DOLLAR VALUE OF THE CATCH?

A. IT IS DIFFICULT TO BE PRECISE ON NUMBERS HERE, AND THESE ARE ONLY ORDERS OF MAGNITUDE, BUT WE ARE TALKING ABOUT A CATCH TAKEN BY U.S. BOATS VALUED IN THE NEIGHBORHOOD OF 7.5 MILLION DOLLARS PER YEAR. THE FISHERMEN INVOLVED NUMBER ROUGHLY 1,000.

Q. WHY IS THE U.S. MAKING SUCH A QUOTE FEDERAL CASE END QUOTE OUT OF THIS DISPUTE, ESPECIALLY WHEN OUR OWN LAWS ARE SIMILAR TO THE ONE PROMULGATED BY THE BAHAMIANS?

A. WE ARE CONCERNED ABOUT THE WELFARE OF OUR FISHERMEN, ABOUT THE INTERNATIONAL LEGAL PRINCIPLES INVOLVED, AND ABOUT THE POSSIBILITY OF INCIDENTS ARISING FROM THE ENFORCEMENT OF BAHAMIAN LAW. INTERNATIONAL LAW REQUIRES NEGOTIATIONS TO ACHIEVE A PEACEFUL AND ORDERLY TRANSITION THROUGH A PHASE OUT OF FOREIGN FISHING AS INDIGENOUS FISHERMEN ACQUIRE THE CAPACITY TO UTILIZE THE RESOURCE.

Q. HOW MANY U.S. AND CUBAN-PAROLEE FISHERMEN ARE CURRENTLY IN BAHAMIAN JAIL FOR VIOLATION OF THEIR NEW FISHING LAW?

A. NONE.

Q. WHAT IS THE U.S. PREPARED TO DO TO PROTECT OUR FISHERMEN IF THEY ARE ARRESTED UNDER THE NEW LAW?

A. AS IN THE CASE OF ANY AMERICAN CITIZEN ARRESTED ABROAD, OUR EMBASSY WILL SEEK TO ENSURE THAT THEY GET FAIR AND EQUAL TREATMENT UNDER THE LAWS OF THE COUNTRY IN WHICH THEY ARE ARRESTED.

Q. WHEN DID THE BAHAMIANS ACTUALLY NOTIFY US ABOUT THEIR NEW LAW? ISN'T THIS REASONABLE NOTIFICATION?

A. WE WERE AWARE OF THE NEW LAW WHEN IT WAS ENACTED LAST FALL. WE HAD NOTICE BUT THAT IS NOT THE ISSUE. THE ISSUE IS THE OBLIGATION TO MAKE REASONABLE TRANSITION ARRANGEMENTS.

Q. HOW DOES THIS BREAKDOWN OF NEGOTIATIONS AFFECT OTHER U.S. INTERESTS IN THE BAHAMAS?

A. IT IS TOO EARLY TO TELL WHAT THE EFFECT, IF ANY, WILL BE ON OUR OTHER INTERESTS.

Q. ARE THERE U.S. MILITARY INSTALLATIONS IN THE BAHAMAS? WHAT WILL THE BREAKDOWN IN THESE TALKS DO TO THEM? WILL WE HAVE TO RENEGOTIATE FOR OUR BAHAMIAN BASES?

A. THE U.S. HAS OPERATED ONE COAST GUARD AND THREE MILITARY INSTALLATIONS IN THE BAHAMAS UNDER TREATY RIGHTS NEGOTIATED WITH THE UK PRIOR TO BAHAMIAN INDEPENDENCE. SINCE INDEPENDENCE WE HAVE CONTINUED TO USE THOSE FACILITIES UNDER AN INTERIM CARRY OVER AGREEMENT WITH THE BAHAMAS, BUT THESE ARRANGEMENTS ARE TO BE RENEGOTIATED. I WOULD NOT SPECULATE ON ANY CONNECTION BETWEEN OUR SPINY LOBSTER NEGOTIATIONS AND THE ANTICIPATED NEGOTIATIONS CONCERNING OUR CONTINUED USE OF THOSE MILITARY FACILITIES.

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FYI: TWO FACILITIES ARE NAVAL, LOCATED ON ELEUTHERA AND ANDROS ISLANDS. THE OTHER IS AIRFRCE ON THE GRAND BAHAMAS ISLAND. THE COAST GUARD STATION IS ON SAN SALVADOR ISLAND.

Q. WHAT IS ACTUALLY BEING DONE FOR THE U.S. FISHERMEN NOW?

A. WE CONTINUE TO EXPLORE ANY AVENUES REMAINING OPEN FOR AN AGREEMENT WITH THE BAHAMAS, AS INDICATED IN THE PRESS RELEASE. AS NOTED IN THE RELEASE, WE ARE SUGGESTING TO THE GOVERNMENT OF THE BAHAMAS THAT THE DISPUTE BE SUBMITTED TO THE ICJ.

FYI: WE HAVE BEEN IN TOUCH WITH HEW TO EXPLORE WHETHER ANY FEDERAL PROGRAMS ARE APPLICABLE TO RENDER ASSISTANCE TO THE AFFECTED FISHERMEN. WE WOULD PREFER NOT TO GO INTO THAT, HOWEVER. END FYI.

Q. THE CONCERN SEEMS TO BE THAT THE BAHAMIANS WILL ENFORCE THEIR LAW NOW, WITHOUT GIVING THE U.S. FISHERMAN TIME TO ADJUST TO THE NEW SITUATION. HAVE WE ANY INDICATION THAT THIS IS EXACTLY WHAT THE BAHAMAINS INTEND TO DO, OR ARE WE JUST ANTICIPATING THIS? HOW DO WE KNOW OF THEIR INTENT?

A. WE UNDERSTAND THAT THE BAHAMAS INTENDS TO FULLY ENFORCE ITS LAW. THE WEEK BEFORE THE NEGOTIATIONS OPENED, THE BAHAMIAN AUTHORITIES BEGAN SEIZING AND DESTROYING LOBSTER TRAPS SET BY FISHERMEN FROM THE U.S. BOTH BEFORE AND DURING THE NEGOTIATIONS, WE REPEATEDLY REQUESTED A MORATORIUM ON ENFORCEMENT OF THE BAHAMIAN LAW TO AVOID THE HARDSHIP ON OUR FISHERMEN WHILE NEGOTIATIONS COULD PROCEED. THE BAHAMAS REFUSED THIS REQUEST.

Q. WHAT CAN THE U.S. (COAST GUARD) ACTUALLY DO TO PREVENT U.S. FISHERMEN FROM FISHING OFF THE BAHAMIAN SHELF?

A. WE DO NOT INTEND TO ENFORCE THE BAHAMIAN FISHING LAW. WE WILL ENFORCE OUR OWN LAWS WITH RESPECT TO OUR OWN UNCLASSIFIED

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VESSELS. WE INTEND TO DO EVERYTHING POSSIBLE UNDER U.S. LAW TO PREVENT VIOLENCE.

Q. DOES THE U.S. PLAN TO ISSUE SPECIFIC ORDERS TO THE FLORIDA FISHERMEN, AND WOULD THE COAST GUARD PREVENT THEIR SAILINGS?

A. NO.

Q. THE STATEMENT REFERS TO QUOTE PROVOCATIONS THAT COULD RESULT IN VIOLENCE END QUOTE - WHAT DOES THIS REFER TO, AND WHAT DO YOU HAVE IN MIND?

A. THIS IS A SITUATION IN WHICH THERE ARE STRONG FEELINGS ON BOTH SIDES. WE ARE TALKING ABOUT PEOPLES' LIVELIHOOD AND ABOUT BAHAMIAN CONTROL OF THEIR NATION'S RESOURCES. WHEN THESE SEEM TO CONFLICT, I REPEAT SEEM TO CONFLICT, THERE ARE OBVIOUSLY MANY SITUATIONS IN WHICH CONFRONTATION AND VIOLENCE MIGHT OCCUR, AND I WOULD NOT WANT TO GO IN-

TO DETAIL ON JUST HOW SUCH VIOLENCE COULD TAKE PLACE. BUT WE WANT TO AVOID IT, AND THE WAY TO DO THAT IS FOR ALL CONCERNED TO EXERCISE RESTRAINT.

Q. SINCE THIS SEEMS TO BE AN ISSUE PRIMARILY OF CONCERN TO FLORIDA, HAVE WE BEEN IN TOUCH WITH STATE AUTHORITIES, THE FLORIDA (AND OTHER) CONGRESSIONAL DELEGATIONS AND WHAT IS THEIR REACTION?

A. WE HAVE BEEN IN CLOSE TOUCH THROUGHOUT WITH THE FLORIDA STATE AUTHORITIES, INCLUDING THE GOVERNOR, AND WITH THE FLORIDA CONGRESSIONAL DELEGATION. A REPRESENTATIVE OF THE

FLORIDA STATE GOVERNMENT WAS ON THE DELEGATION.

Q. WHAT U.S. GOVERNMENT AGENCIES HAVE BEEN INVOLVED IN THESE NEGOTIATIONS? WERE THERE ANY INDUSTRY REPRESENTATIVES ON THE DELEGATION?

A. ALL CONCERNED AGENCIES HAVE BEEN INVOLVED, INCLUDING IN PARTICULAR THE STATE AND COMMERCE DEPARTMENTS AND THE COAST GUARD. THE INDUSTRY WAS REPRESENTED ON THE DELEGATION.

Q. WAS THERE A MEETING OF MINDS AMONG OUR OWN DELEGATION AS TO WHAT COURSE TO FOLLOW?

A. THE ENTIRE DELEGATION SUPPORTED THE APPROACH WHICH WAS TAKEN.

Q. WHAT WERE THE STICKING POINTS IN THE NEGOTIATIONS?
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WHAT DID THE U.S. OFFER AND WHAT WAS THE BAHAMIAN REACTION?

A. DURING THE NEGOTIATIONS, WE MADE A NUMBER OF REASONABLE PROPOSALS DESIGNED TO ACCOMMODATE OUR RESPECTIVE RIGHTS AND INTERESTS, INCLUDING, JOINT CONSERVATION MEASURES, COOPERATION IN SCIENTIFIC RESEARCH, LIMITATIONS ON U.S. FISHING EFFORTS, ASSURANCE THERE WOULD BE NO COMPETITION FOR THAT PORTION OF THE RESOURCE WHICH BAHAMIAN FISHERMEN ARE ABLE TO TAKE, LICENSE FEES TO BE PAID TO THE BAHAMAS, ASSISTANCE IN ENFORCEMENT AND ASSISTANCE IN TRAINING BAHAMIAN FISHERMEN. THE BAHAMIAN DELEGATION DID NOT ACCEPT OUR PROPOSALS, AND DESPITE REPEATED REQUESTS FROM OUR SIDE FOR COUNTER PROPOSALS, THEY DID NOT ADVANCE ANY. MAW

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